

REMARKS

Claims 1-13 are pending in the application as originally filed.

All claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,804,701 to Muret in view of U.S. Patent Application Publication No. 2003/0110293 (Friedman).

Because of clear differences between the claims and the cited prior art, no amendments to the claims have been made as none are deemed necessary.

The Examiner is respectfully requested to consider the remarks below and to pass claims to issuance.

A. Prosecution History

Claims 1-13 are original to the case. All claims were originally rejected as being taught in their entirety by the Muret reference. After final rejection, applicant appealed the decision to the Board of Patent Appeals and Interferences, highlighting the missing elements from Muret sufficient to make it defective as a §102(b) reference. The BPAI never reached the merits of the case. Instead, the Examiner has now withdrawn his previous rejections of the claims and has reopened prosecution. The Examiner has consequently conducted an additional prior art search and has issued a non-final Office Action.

Claims 1-13 stand rejected under U.S. Patent No. 6,084,701 to Muret in view of a newly cited reference, U.S. Patent Application Publication No. 2003/0010293 to Friedman. The Friedman reference has been cited as teaching steps missing from Muret, namely presetting and applying the IP filters to the log files to generate database files.

Applicant has thoroughly reviewed the Friedman reference and can find no teaching of those features. The remarks below contain applicant's analysis.

B. The Newly Cited Friedman Reference Fails To Cure The Deficiencies Of Muret

Applicant traverses the §103(a) rejection of claims 1-13 on the grounds that not all elements of the claims are taught by a combination of the Muret and Friedman references. Claims 1 and 7 are independent claims with the remaining being dependent therefrom. Applicant's analysis of the deficiencies of the Muret reference is well-established in the prosecution history and not repeated here. While the Examiner explicitly states in the Office Action that Muret fails to teach certain features of the claims, he follows that these missing features are taught by the newly cited Friedman patent application.

Claim 1 elements missing from the Muret reference are as follows:

- The step of “presetting IP filters”;
- The step of “applying the IP filters to the IP addresses stored in the log file”; and
- The step of “generating a database file from the log file responsive to the IP filters.”

Claim 7 elements missing from the Muret reference are as follows:

- A “filter node responsive to said visitor data based on a filter . . .”; and
- A function allowing the database to be “accessible by an owner of said web site . . .”

The Examiner has stated that such features are taught in Friedman and points to specific paragraphs within the Friedman patent application where such features are presumably disclosed.

We have reviewed the Friedman reference and respectfully disagree with the Examiner’s analysis. There is no filter setting and thus no prefilter setting taught by Friedman as required under the claims. We have even conducted a word search of the Friedman patent and, of the more than 17,000 words contained in the application, the word “filter” is not to be found. Accordingly, Friedman cannot be said to teach either the step of “presetting IP filters” or of including a “filter node” as required under the current pending claims.

In operation, the Friedman reference builds a database that associates certain IP addresses as originating from certain geographic locations. These associations are accomplished by consulting *whois* queries, *traceroutes*, *pings*, *nslookup* tools, etc. and building a database of IP addresses and geographic locations. When a user visits a website, the IP address of the visitor is resolved and appropriate content is served to the visitor based on their determined geographic location. No filtering takes place, only associations and database parsing.

Friedman states explicitly that “no interaction is necessarily required between the web site 60 and the user’s 5 browser to maintain the profile.” (paragraph [0189]) This statement is at direct odds with the claims of the present invention where web site and user’s browser directly interact by way of the data mining code embedded within the web pages. Such code as claimed operates upon the visitor computer to obtain technical data.

C. Muret Fails To Operate With A Web Page That Includes “Data Mining Code”

In addressing the claim 1 limitation calling for the step of storing a web page on a first server where the web page includes “data mining code,” the Examiner refers to the following portion of Muret:

Extremely busy websites will often use an array of servers to handle the extreme load of traffic. Other websites may have a secure server area that resides on a special machine.

Whether for robustness or functionality, multiple server architecture is a common practice and appears to create a unique problem for internet traffic analysis and reporting. Each web server 500 will create its own log file 510, recording entries from visitors as they travel through the website. Often, a single visitor will create log entries in the log file 510 for each web server 500, especially if the web servers 500 perform different functions of the website.

(Muret, Col. 10, lines 58-67)

Muret operates by querying the web servers for log file data rather than receiving data directly from the visitor computers themselves via data mining code embedded within the web pages sent from the web servers. It is clear from the citation in Muret above that the web servers themselves create the log files from web page visits. There is no mention in Muret that the web pages themselves served to the visitors would include data mining code that obtains this information. A more appropriate description of Muret is that the web server has stored thereon some sort of data mining code, but that the web pages it serves do not include such code.

Furthermore, as no data mining code is transferred with the Muret web page, the “operating the data mining code on the visitor computer” step cannot be performed. Since the Muret web pages do not include data mining code, these claim 1 limitations are not found in Muret (or Friedman) and rejection under §103(a) would thus be inappropriate.

Claim 7 additionally includes a web site node operable to provide media content and data mining code to the visitor node. As data mining code is not provided to the visitor under the web server data record keeping of the Muret system, claim 7 and its dependents would not be anticipated by Muret or obvious in view of a combination of Muret and Freidman.

The Examiner’s statement in the Office Action sheds no light on where in Muret it is taught that a web page has data mining code embedded within it. The Examiner simply states that, “it is obvious that data mining code is being used in Muret because the system is monitoring, tracking, and collecting raw data in order to generate reports.” Again, Appellant is not stating that Muret does not infer some sort of data mining operation, as such obviously takes place on the Muret servers. Instead, Appellants state simply that Muret does not teach

the explicit language in the claims: that the web page include data mining code [claim 1] and that a web site is adapted to provide data mining code to the visitor node [claim 7].

D. The Examiner's Finding That Muret Does Not Teach "Presetting IP Filters" Must Also Mean That Muret Fails To Teach Specific Types Of Preset IP Filters

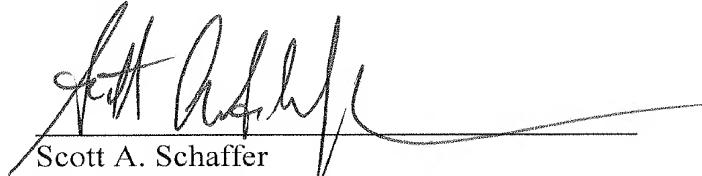
Turning next to the Examiner's rejection of the defendant claims, inconsistent statements appear that must be traversed. The Examiner states, for instance, that the Muret reference does not explicitly disclose the presetting of IP filters. On the very next page of the Office Action, however, the Examiner states that Muret does teach the further limitation of presetting the IP filters to include an INCLUDE IP filter (claim 2) and an EXCLUDE IP filter (claim 3). These holdings are entirely inconsistent. It would be impossible for Muret to not teach the concept of presetting IP filters on one hand, yet still teach these preset filters as having INCLUDE and EXCLUDE IP filters. Applicant respectfully requests that appropriate correction be made.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-13 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Scott A. Schaffer
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: 503-222-3613
Customer No. 20575